

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THERON KENNETH HOLSTON,
Plaintiff,
v.
G. VIERA ROSA,
Defendants.

No. 2:20-cv-01076-KJM-CKD P

ORDER

Plaintiff is a county inmate proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. The parties have filed separate requests to seal documents in this case. ECF Nos. 84, 98. Defendant's motion complies with Local Rule 141, while plaintiff's does not. However, in light of plaintiff's pro se status, the court has overlooked these defects in form and focused on the substance of plaintiff's request. Defendant has filed a request to seal the Declaration of M. Cruz, Exhibits A–D of the Declaration of M. Cruz, and Defendant's Statement of Undisputed Facts in support of the pending motion for summary judgment. Plaintiff has requested to seal defendant's motion for summary judgment (ECF No. 83) and opposition to plaintiff's motion for summary judgment (ECF No. 86) that were filed on the public docket in April. ECF No. 98. Plaintiff did not request to seal these documents until May 27, 2022. See Houston v. Lack, 487 U.S. 266 (1988) (establishing the prison mailbox rule).

1 Having reviewed the record in this case and for good cause shown, the court will grant
2 defendant's request, in part, and deny it in part. Defendant's motion to seal the special conditions
3 of parole identified as Bate Stamp AGO 001089, 1091-1096, and 893-899 is denied because
4 plaintiff filed this document, in part, as an exhibit to his first amended complaint. See ECF No. 7
5 at 19-24. The remaining portion of defendant's request is granted. Plaintiff's motion to seal is
6 denied.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Defendant's request to seal documents (ECF No. 84) is granted in part and denied in
9 part.
- 10 2. Defendant shall file the Declaration of M. Cruz, Exhibits C–D of the Declaration of
11 M. Cruz, and Defendant's Statement of Undisputed Facts under seal in accordance
12 with Local Rule 141(e)(2)(i). These documents shall not be publicly filed unless
13 otherwise ordered by the court.
- 14 3. A copy of these sealed documents shall be provided to plaintiff as provided in
15 defendant's request to seal.¹
- 16 4. Plaintiff's request to seal documents (ECF No. 98) is denied.

17 Dated: June 30, 2022


CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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27 _____
28 ¹ The court understands that the parties have agreed to accept service of pleadings via e-mail
based on plaintiff's changing custody status.